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Phillip Baltazar

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
SANTA ANA

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Phillip Baltazar,

Plaintiff,

v.

Capital One Bank (USA) N.A., Capital  
One Services, LLC; Hunt & Henriques;  
The Moore Law Group, APC; and ARS  
National Services, Inc.,

Defendants.

SACV12 - 01844 AG (ANx)

Complaint for Damages for:

1. Violations of Federal Fair Debt Collection Practices Act;
2. Violation of California Rosenthal Fair Debt Collection Practices Act;
3. Violations of Federal Fair Credit Reporting Act;
4. Unlawful Use of Telephone Equipment (47 USC § 227);
5. Violation of California Unfair Business Practices Act (Cal. Bus. & Prof. §§ 17200 *et seq.*); and
6. Declaratory Relief

JURISDICTION & VENUE

1. Plaintiff Phillip Baltazar resides in the County of Los Angeles, State of California and has been a resident there at all times relevant to this Complaint.

2. Defendant Capital One Bank (USA) N.A. ("Capital One Bank") is a commercial bank with a federally approved charter, supervised by the Office of the Comptroller of Currency, and is headquartered and located in Glen Allen,

1 Virginia. **Capital One Bank** is a citizen of Virginia for purposes of this action  
2 pursuant to 28 U.S.C. § 1348.

3 3. Defendant **Capital One Services, LLC** ("**Capital One Services**") is a  
4 Delaware corporation headquartered and having a principal place of business in  
5 McLean, Virginia.

6 4. **Hunt & Henriques** is a general law partnership between attorneys  
7 **Michael S. Hunt** and **Janalie A. Henriques**, whose headquarters and principle  
8 place of business is in the City of San Jose, County of Santa Clara, State of  
9 California.

10 5. **The Moore Law Group, A Professional Corporation** is incorporated in the  
11 State of California. Its headquarters and principal place of business is in the  
12 City of Santa Ana, County of Orange, State of California.

13 6. **ARS National Services, Inc.** is a California corporation whose  
14 headquarters and principal place of business are located in Escondido,  
15 California.

16 7. This court also original jurisdiction over this matter pursuant to 28  
17 U.S.C. § 1331 because the substantial questions of federal law at issue in this  
18 matter are predominant.

19 8. Venue in this judicial district is proper pursuant to 28 U.S.C. §  
20 1391(b)(2) because most of the acts, omissions and events complained of by  
21 plaintiff were perpetrated or occurred in this judicial district.

#### 22 23 GENERAL ALLEGATIONS

24 9. Plaintiff is informed and believes, and thereon alleges, that **Capital One**  
25 **Services, Hunt & Henriques** and **The Moore Law Group** were employees or  
26 agents of defendant **Capital One Bank** and in doing the things alleged below  
27 each acted in the course and scope of their employment or agency relationship  
28 with **Capital One Bank**.



1        10. Plaintiff has had no business or contractual relationship with any  
2 defendant in this matter, including defendant **Capital One Bank**. He did not  
3 authorize defendant to obtain his credit background so the defendant could  
4 review it before deciding whether to make an offer. He never received any offer  
5 of credit or other services in connection with the alleged relationship, and never  
6 solicited any such offer. He never authorized or permitted any third party to  
7 take any of these actions, and no one else had any legal right to do so on his  
8 behalf. He never obtained any money, services or goods paid for by defendants,  
9 and never authorized anyone else to do so, either.

10        11. In or around June, 2011, defendant **Capital One Bank** first attempted to  
11 shake down defendant. Either **Capital One Bank** or one of its authorized agents  
12 or employees contacted plaintiff directly, and falsely claimed that he owed  
13 **Capital One Bank** more than \$30,000. **Capital One Bank** and its agent or  
14 employee threatened to damage plaintiff's credit if he did not pay the alleged  
15 debt. Plaintiff, who had no business relationship with **Capital One Bank** and  
16 owed it nothing, disputed the existence of the debt and demanded proof. To  
17 this end, and in good faith, he provided his correct mailing address in Redondo  
18 Beach, California, which no defendant previously had.

19        12. **Capital One Bank** did not provide any proof to plaintiff as requested. It  
20 did, however, fail to acknowledge the dispute as to the validity of the claimed  
21 debt. It did not properly report the dispute to any of the credit bureaus to which  
22 it regularly reports, and instead continued to falsely report that plaintiff owed  
23 them a debt and that the alleged debt was past due.

24        12. **Capital One Bank's** actions severely damaged plaintiff's credit. Plaintiff,  
25 prior to his June, 2011 encounter with defendant, had good credit and several  
26 active credit cards with banks because he regularly paid what he owed. One of  
27 his credit suppliers, CitiBank, obtained his credit report from one or more  
28 major credit bureaus, and saw **Capital One Bank's** false allegations. Plaintiff is

1 informed and believes, and thereon alleges that solely because of **Capital One**  
2 **Bank's** false allegations, CitiBank first reduced, and eventually terminated credit  
3 services.

4 13. Plaintiff formally disputed defendant's alleged debt with the major credit  
5 bureaus. Despite having no proof of the debt, and their knowledge that the debt  
6 was not, and is not, valid, **Capital One Bank** falsely purported to "validate" the  
7 debt with the major credit bureaus and continued to falsely report both the  
8 bogus debt and its alleged delinquency to these credit bureaus. To this day,  
9 **Capital One Bank** continues to falsely report the bogus debt and its alleged  
10 delinquency to credit bureaus and others, further damaging plaintiff's credit.  
11 On information and belief, **Capital One Bank's** false and fraudulent reporting  
12 of the bogus debt and delinquency was and continues to be published in writing  
13 to the major credit bureaus. This false information has already resulted in  
14 plaintiff's loss of credit availability. Plaintiff is informed and believes the  
15 defendant's false accusations also caused an extreme increase in the cost of  
16 credit where it is available to him.

17 14. Plaintiff is an employee of a large and well-known local defense  
18 contractor. Defendant's false claims and negative reporting pose a threat to  
19 plaintiff's employment and future career advancement. As a defense contractor,  
20 his employer expects plaintiff to be trustworthy, prudent and fiscally  
21 responsible, and these qualifications are directly related to his perceived ability  
22 to do his job. Plaintiff is informed, believes, fears and thereon alleges that  
23 defendant's false statements and allegations of serious delinquent debt may  
24 injure his career by, among other things, subjecting him to discipline by his  
25 employer, up to and including termination. Plaintiff is further informed and  
26 believes and thereon alleges that he will be denied promotion to any related  
27 internal job he applies for which requires any additional security clearance  
28



1 because defendant's spurious allegations will result in the denial of such security  
2 clearances.

3 15. Despite his requests for proof of the debt made to all defendants,  
4 defendant did not send anything at all to plaintiff until after January 1, 2012  
5 when **Capital One Bank** sent a billing statement falsely claiming plaintiff owed  
6 them about \$31,007.

7 16. In an attempt to mitigate his already serious damages, and because all  
8 named defendants refused to cooperate with his requests for proof of the debt,  
9 plaintiff retained counsel to investigate defendant's claims, provide defendant  
10 with relevant information if necessary to informally resolve the dispute, and  
11 protect his rights. The hiring of counsel was made necessary by the conduct of  
12 defendant and its agents and employees, and plaintiff incurred significant costs  
13 as a result of being forced by defendants to conduct his own investigation and  
14 which costs were increased as a result of defendant's willful failure to cooperate  
15 or act in good faith.

16 17. On February 1, 2012, counsel wrote to defendant **Capital One Bank**  
17 about this matter on his law firm letterhead. At all times relevant herein,  
18 counsel's name, telephone number and mailing address were readily  
19 ascertainable by defendant and all of its agents and employees both from the  
20 letterhead itself, and from the California State Bar website. **Capital One Bank**  
21 received counsel's letter on February 6, 2012. This letter informed **Capital One**  
22 **Bank** that plaintiff retained counsel and that all further communications should  
23 be in writing and directed to counsel rather than plaintiff. Defendants **Capital**  
24 **One Services, Hunt & Henriques, The Moore Law Group, and ARS National**  
25 **Services** all had actual and constructive knowledge of this letter and its  
26 contents.

27  
28 ///

1       18. The February 1, 2012 letter was a demand for a bill of particulars under  
2 California law, requesting various documents that would exist if the debt were  
3 real.

4       19. Defendants **Capital One Services, Hunt & Henriques, ARS National**  
5 **Services, and The Moore Law Group** all have as their principal business  
6 purpose the collection of debts allegedly owed to others besides themselves,  
7 including defendant **Capital One Bank**. All of these defendants and their agents  
8 and employees regularly use telephones, mail, the Internet, and other such  
9 instrumentalities of interstate commerce in their efforts to collect those alleged  
10 debts. Defendant **Capital One Bank** either created or hired every other  
11 defendant to operate as “debt collectors” within the meaning of the federal Fair  
12 Debt Collection Practices Act (15 USC §§ 1692 *et seq.*) and California’s  
13 Rosenthal Fair Debt Collection Practices Act (Cal. Civ. Code §§ 1788 *et seq.*).

14       20. With actual and constructive knowledge that plaintiff retained counsel  
15 and had instructed defendant **Capital One Bank** and its agents or assigns not to  
16 do so, and with actual and constructive knowledge that the law forbade it,  
17 defendants and their agents or employees, while acting in the course and scope  
18 of said agency and employment, each repeatedly communicated with plaintiff  
19 dozens of times through the mail and through telephone calls after February 6,  
20 2012. The purpose of each of these telephone calls to plaintiff was to coerce  
21 plaintiff to pay money to them, even though they knew and should have known  
22 that he owed them nothing. Plaintiff is informed and believes, and thereon  
23 alleges that defendants used an automatic telephone dialing system to  
24 repeatedly bother plaintiff at his home, work and cellular telephones. Plaintiff is  
25 informed and believes and thereon alleges that many of these telephone calls  
26 used an artificial or prerecorded voice. Plaintiff is informed and believes and  
27 thereon alleges that on many or all of these occasions, defendants knowingly  
28 concealed the true origin of these telephone calls by knowingly and willfully



1 “spoofing” their caller identification information so as to transmit inaccurate,  
2 misleading or false caller identification information to plaintiff.

3 21. Plaintiff is informed and believes and thereon alleges that at the time of  
4 making each of these telephone calls, each defendants’ employees and agents  
5 originated the calls within the United States or one of its territories. At every  
6 time these calls were made, defendants and their employees and agents knew  
7 that it was unlawful to use an automatic telephone dialing system to call  
8 plaintiff’s telephone numbers and that he never expressly consented to any such  
9 communications; they all knew that it was forbidden to use any artificial or  
10 prerecorded voice in connection with their collection scheme. At all times,  
11 defendant and its agents and employees knew these practices were forbidden by  
12 federal law, including, but not limited to: 47 USC § 227 and 47 CFR §  
13 64.1604(a).

14 22. Plaintiff is informed and believes and thereon alleges that defendants’  
15 agents and their employees acting in the course and scope of their agency and/or  
16 employment collectively made at least approximately 40 such calls.

17 23. At all of these times, and as already stated, these defendants all knew  
18 that plaintiff was represented by counsel and that such direct communications  
19 with plaintiff were prohibited by the federal Fair Debt Collection Practices Act  
20 (15 USC § 1692c(2)) and California’s Rosenthal Fair Debt Collection Practices  
21 Act (Cal. Civ. Code §§ 1788 *et seq.*).

22 24. Rather than timely respond to plaintiff’s demand for a bill of  
23 particulars, **Capital One Bank** by and through its agents **Hunt & Henriques**  
24 sued plaintiff in the Superior Court for the State of California, County of Los  
25 Angeles, Case No. YC066523. That complaint was filed on February 21, 2012.  
26 Plaintiff was never served with that complaint. **Capital One Bank** and **Hunt &**  
27 **Henriques** knew that the lawsuit against plaintiff was fatally defective and that  
28 there was no evidence whatsoever that plaintiff agreed to anything.

1 Additionally, **Hunt & Henriques**, which holds itself out as “specializing” in the  
2 recovery of alleged delinquent consumer obligations, knew that California  
3 procedural rules precluded the introduction of any account evidence which  
4 defendant did not timely provide in response to plaintiff’s February 1, 2012  
5 demand for a bill of particulars. In other words, not only was there no evidence  
6 of any debt to defendant at the time of filing of the lawsuit, but if defendant  
7 later purported to have some, it is barred from producing it in court against  
8 plaintiff. The unmeritorious and unwinnable suit was wisely dismissed (without  
9 prejudice), and for good reason, since the inevitable result would have been  
10 judgment in plaintiffs favor.

11 25. **Capital One Bank**, after dismissing their unwinnable lawsuit against  
12 plaintiff on April 24, 2012, ordered **The Moore Law Group** to reinstate  
13 collections and to threaten to sue despite defendants’ actual and constructive  
14 knowledge that the suit was barred by law, fatally defective, and unsupported  
15 by the facts known to them.

16 26. Defendants’ unlawful collection activities continued unabated and  
17 increased in aggravation. For instance, on July 13, 2012 one of **The Moore Law**  
18 **Group’s** attorneys, Angela Dawson *wrote directly to plaintiff without his*  
19 *counsel’s knowledge or consent*, despite prudently, competently, and completely  
20 reviewing the file, including the February 1, 2012 letter. Attorney Dawson’s  
21 letter to plaintiff was about the alleged debt and was in knowing, willful and  
22 flagrant violation of California Rules of Professional Conduct Rule 2-100(a).  
23 **The Moore Law Group** knowingly and willfully continued to send letters  
24 containing misleading and outright false statements of facts, including, but not  
25 limited to, false statements about **Capital One Bank’s** principal place of  
26 business, their ability to obtain a judgment against plaintiff, and their ability to  
27 obtain attorney fees or costs of court.  
28





SECOND CAUSE OF ACTION:

Violation of California Rosenthal FDCPA (All Defendants)

30. The acts and omissions of defendant by and through its authorized agents and employees, as alleged above, violated the California Rosenthal Fair Debt Collection Practices Act. (Civ. Code §§ 1785 *et seq.*)

THIRD CAUSE OF ACTION:

Violation of FCRA (Capital One Bank)

31. The acts and omissions of defendant by and through its authorized agents and employees, as alleged above, violated the federal Fair Credit Reporting Act (15 USC § 1681 *et seq.*). **Capital One Bank** personally or through its authorized agents, employees and attorneys negligently failed to comply with the FCRA by reporting inaccurate and false information to consumer credit reporting bureaus concerning the alleged debt of plaintiff after plaintiff and his counsel both told them the information was inaccurate and despite the fact that its own records demonstrated the inaccuracy. **Capital One Bank** thus knew or should have known the information was inaccurate but reported it anyway, and refused to report it as disputed (15 USC § 1681s-2), causing plaintiff to suffer damage in an amount to be proved at trial.

FOURTH CAUSE OF ACTION:

Unlawful Use of Telephone Equipment

(Capital One Bank, Capital One Services, ARS National Services)

32. As set forth above, defendants at no time established any contractual or business relationship with plaintiff. Plaintiff's contacts with defendants were involuntary, without consideration, and not based on any purchase or transaction of his whatsoever. And even if they were, plaintiff's counsel's letter of February 1, 2012 terminated any authority to call him. Plaintiff is informed



1 and believes and thereon alleges that these defendants nevertheless used an  
 2 automatic telephone dialing system having the capacity to store, produce and  
 3 dial telephone numbers randomly or sequentially, to dial his home and work  
 4 telephone numbers as well as his cellular telephone. Plaintiff is further informed  
 5 and believes and thereon alleges that on some or all of these calls, the  
 6 defendants used either an artificial or prerecorded voice. All of these acts in  
 7 making said telephone calls constituted an unlawful use of telephone equipment  
 8 in violation of 47 USC § 227 and 47 CFR § 64.1604(a).

9  
 10 FIFTH CAUSE OF ACTION:

11 Unfair Business Practices (All Defendants)

12 33. At all times relevant to this complaint, Cal. Bus. & Prof. Code § 17200  
 13 was operative and barred the above-referenced unlawful, unfair, and fraudulent  
 14 business practices acts of defendant and its agents. Each violation of the above-  
 15 referenced laws independently violated Cal. Bus. & Prof. Code § 17200,  
 16 injuring plaintiff, and others in an amount to be proved at trial.

17  
 18 SIXTH CAUSE OF ACTION:

19 Declaratory Relief (Capital One Bank)

20 34. In addition to the award of money damages, costs of suit, and  
 21 reasonable attorney's fees according to law, plaintiff seeks, by way of this suit,  
 22 declaratory relief. In other words, plaintiff requests a judicial finding that he  
 23 owes no debt to, and had no contract with defendant **Capital One Bank**.

24  
 25 PRAYER FOR RELIEF

26 Wherefore, plaintiff Phillip Baltazar prays for judgment against defendants,  
 27 and each of them, as follows:

- 28 1. General damages in the sum according to proof;

2. Loss of income incurred, and to be incurred according to proof;
3. Statutory damages according to law;
4. Treble damages according to law;
5. Punitive damages according to law;
6. For the interest provided by law including, but not limited to, California Civil Code §3291;
7. Costs of suit incurred;
8. Reasonable attorney's fees where permitted according to law;
9. Declaratory relief;
10. Injunctive relief; and
11. Such other relief as this honorable court deems just and proper.

Respectfully submitted by  
Cota & Zeiler

Date: October 22, 2012



Antonio A. Cota  
Attorney for Plaintiff  
Phillip Baltazar



## Central District of California

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEET**

**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)  
Phillip Baltazar

**DEFENDANTS**

Capital One Bank (USA) N.A.; Capital One Services, LLC; Hunt & Henriques;  
The Moore Law Group; and ARS National Services, Inc.

**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Cota & Zeiler, APC  
Lakeshore Plaza, 4160 Temescal Canyon Rd., Ste. 216, Corona, CA 92883  
(714) 953-6600

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. ORIGIN** (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

**V. REQUESTED IN COMPLAINT:** **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☐ No

☒ **MONEY DEMANDED IN COMPLAINT:** \$ 250,000

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
15 USC 1692 et seq. (FDCPA) for unlawful collections of a non-existent debt

**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

**FOR OFFICE USE ONLY:** Case Number: SACV12 - 01844 AG (ANx)

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.



**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**VIII(b). RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes  
 If yes, list case number(s): \_\_\_\_\_

**Civil cases are deemed related if a previously filed case and the present case:**

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

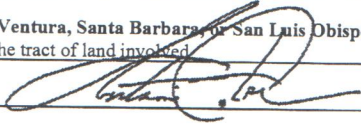
County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, CA	San Diego County, CA; Santa Clara County, CA; Virginia; Delaware,

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Orange County, CA; Los Angeles County, CA	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

**Note:** In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 10/22/2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Andrew Guilford and the assigned discovery Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

**SACV12- 1844 AG (ANx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☐ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.